

HOUSE BILL 717

Unofficial Copy  
R2

2001 Regular Session  
(11r0619)

ENROLLED BILL

-- Commerce and Government Matters/Budget and Taxation --

Introduced by **Delegates Bronrott, Franchot, Hurson, Kopp, Mandel, Barkley,  
Barve, Carlson, Clagett, Cryor, D'Amato, Dembrow, Goldwater,  
Grosfeld, Heller, Howard, Hubers, Kagan, Love, Pitkin, Rosso, Shriver,  
Stern, and Turner Turner, and Pitkin**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Transportation - Maryland Bicycle and Pedestrian Safety Fund**

3 FOR the purpose of ~~requiring the Secretary of Transportation to designate a district~~  
4 ~~coordinator in all State highway engineering districts in the State to assist in~~  
5 ~~carrying out certain provisions of law relating to bicycle and pedestrian safety~~  
6 ~~and access to transportation facilities; establishing the duties of a district~~  
7 ~~coordinator; requiring the Director of Bicycle and Pedestrian Access to consult~~  
8 ~~with the district coordinators in carrying out the Director's duties; requiring the~~  
9 ~~Department of Transportation to provide staff, administrative support, and~~  
10 ~~operating expenses for the Bicycle and Pedestrian Advisory Committee;~~  
11 ~~increasing the membership of the Bicycle and Pedestrian Advisory Committee;~~  
12 ~~specifying the terms of the members; authorizing the Committee to adopt~~  
13 ~~certain procedures; providing that members may be reimbursed for certain~~  
14 ~~expenses; establishing the Maryland Pedestrian Safety Fund Program;~~

1 providing for the funding of the Program; requiring the Secretary of  
 2 Transportation to award grants from under the Fund Program to counties,  
 3 municipalities, and nonprofit organizations; requiring the Secretary to establish  
 4 certain grant application procedures; authorizing counties, municipalities, and  
 5 nonprofit organizations to apply for grants from under the Fund Program to be  
 6 used for certain purposes relating to pedestrian safety; ~~establishing an~~  
 7 ~~Oversight Committee and Pilot Project on Child Pedestrian Safety; specifying~~  
 8 ~~the membership of the Oversight Committee; requiring the Governor to~~  
 9 ~~designate a chairman; requiring the Departments of Transportation, Planning,~~  
 10 ~~Health and Mental Hygiene, and Education to provide staff and administrative~~  
 11 ~~support for the Oversight Committee; requiring the Oversight Bicycle and~~  
 12 ~~Pedestrian Advisory Committee to initiate a pilot project consisting of the~~  
 13 ~~development of an action plan, implementation of the action plan, and~~  
 14 ~~evaluation of the benefits achieved through implementation of the action plan;~~  
 15 ~~requiring the Oversight Bicycle and Pedestrian Advisory Committee to develop~~  
 16 ~~an action plan and present the action plan to the Governor and the General~~  
 17 ~~Assembly on or before a certain date; requiring the Departments of~~  
 18 ~~Transportation, Planning, Health and Mental Hygiene, and Education~~  
 19 ~~Department of Transportation to implement the action plan; requiring the~~  
 20 ~~Oversight Bicycle and Pedestrian Advisory Committee to make a certain~~  
 21 ~~evaluation; requiring the Oversight Bicycle and Pedestrian Advisory Committee~~  
 22 ~~to report to the Governor and the General Assembly on or before a certain date;~~  
 23 ~~and generally relating to the Maryland Pedestrian Safety Fund bicycle and~~  
 24 ~~pedestrian safety.~~

25 BY adding to  
 26 Article - Transportation  
 27 Section ~~2-603.1~~ and 2-607  
 28 Annotated Code of Maryland  
 29 (1993 Replacement Volume and 2000 Supplement)

30 BY repealing and reenacting, with amendments,  
 31 Article - Transportation  
 32 Section ~~2-604~~ and 2-606  
 33 Annotated Code of Maryland  
 34 (1993 Replacement Volume and 2000 Supplement)

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 36 MARYLAND, That the Laws of Maryland read as follows:

37 **Article - Transportation**

38 ~~2-603.1.~~

39 (A) ~~THE SECRETARY SHALL DESIGNATE A DISTRICT COORDINATOR FOR EACH~~  
 40 ~~STATE HIGHWAY ENGINEERING DISTRICT.~~

1 ~~(B) EACH DISTRICT COORDINATOR SHALL:~~

2 ~~(1) CONSULT REGULARLY WITH PUBLIC OFFICIALS AND CITIZEN~~  
 3 ~~GROUPS IN THE DISTRICT ON MATTERS RELATING TO THE NEEDS OF BICYCLE~~  
 4 ~~RIDERS AND PEDESTRIANS AND SHALL COMMUNICATE THE CONCERNS,~~  
 5 ~~COMPLAINTS, AND PROPOSALS OF THOSE PUBLIC OFFICIALS AND CITIZENS TO THE~~  
 6 ~~DISTRICT ENGINEER AND THE DIRECTOR;~~

7 ~~(2) MONITOR THE ACTIONS OF THE DEPARTMENT WITH RESPECT TO~~  
 8 ~~COMPLIANCE WITH THIS SUBTITLE AND THE IMPACT OF DEPARTMENTAL ACTIONS~~  
 9 ~~ON BICYCLE RIDERS AND PEDESTRIANS IN THE DISTRICT;~~

10 ~~(3) ATTEND TRAINING PROGRAMS AS DIRECTED BY THE SECRETARY IN~~  
 11 ~~CONSULTATION WITH THE DIRECTOR TO ENHANCE THE COORDINATOR'S~~  
 12 ~~KNOWLEDGE OF TRANSPORTATION PLANNING WITH PARTICULAR EMPHASIS ON~~  
 13 ~~MATTERS RELATING TO SAFE BICYCLING AND ACCESS OF BICYCLISTS AND~~  
 14 ~~PEDESTRIANS TO TRANSPORTATION FACILITIES IN THE STATE; AND~~

15 ~~(4) ATTEND AND PARTICIPATE IN MEETINGS OF THE BICYCLE AND~~  
 16 ~~PEDESTRIAN ADVISORY COMMITTEE ESTABLISHED UNDER § 2-606 OF THIS~~  
 17 ~~SUBTITLE.~~

18 ~~2-604.~~

19 ~~(a) The Director shall develop and coordinate policies and plans for the~~  
 20 ~~provision, preservation, improvement, and expansion of access to transportation~~  
 21 ~~facilities in the State for pedestrians and bicycle riders, including development, before~~  
 22 ~~October 1, 2002, of a Statewide 20-Year Bicycle-Pedestrian Master Plan that:~~

23 ~~(1) (i) Identifies short term and long range goals that are consistent~~  
 24 ~~with the purposes of this subtitle; and~~

25 ~~(ii) For each identified goal, includes:~~

26 ~~1. Reasonable cost estimates for achieving the goal; and~~

27 ~~2. For purposes of the annual report required under § 3-216~~  
 28 ~~of this article, objective performance criteria against which progress in achieving the~~  
 29 ~~goal can be measured;~~

30 ~~(2) Complies with applicable federal funding requirements;~~

31 ~~(3) Provides a model to guide political subdivisions of the State in~~  
 32 ~~enhancing bicycle and pedestrian access to transportation facilities;~~

33 ~~(4) Proposes long-term strategies for improving the State's highways to~~  
 34 ~~ensure compliance with the most advanced safety standards for pedestrians and~~  
 35 ~~bicycle riders; and~~

1 ~~(5) After consultation with political subdivisions in the State AND WITH~~  
 2 ~~THE DISTRICT COORDINATORS AND THE DISTRICT ENGINEERS, identifies~~  
 3 ~~bicycle pedestrian priority areas to facilitate the targeting of available funds to those~~  
 4 ~~areas of the State most in need.~~

5 ~~(b) To carry out the purposes of this subtitle, the Director shall:~~

6 ~~(1) Participate in the planning of new transportation facilities and~~  
 7 ~~improvements to existing transportation facilities;~~

8 ~~(2) Advise the Secretary on matters concerning bicycle and pedestrian~~  
 9 ~~access and any other matter as requested by the Secretary;~~

10 ~~(3) Initiate a program of systematic identification of and planning for~~  
 11 ~~projects related to bicycle and pedestrian transportation that qualify for funds under~~  
 12 ~~Federal Highway Administration guidelines;~~

13 ~~(4) Monitor State transportation plans, proposals, facilities, and services~~  
 14 ~~to ensure maximum benefits for pedestrians and bicycle riders in the State; and~~

15 ~~(5) Consult regularly with the Bicycle and Pedestrian Advisory~~  
 16 ~~Committee established under § 2-606 of this subtitle AND WITH THE DISTRICT~~  
 17 ~~COORDINATORS AND THE DISTRICT ENGINEERS.~~

18 ~~(e) The exercise of the powers and duties of the Director is subject to the~~  
 19 ~~authority of the Secretary.~~

20 ~~2-606.~~

21 ~~(a) The Governor shall appoint a Bicycle and Pedestrian Advisory Committee~~  
 22 ~~to provide guidance to State agencies concerning:~~

23 ~~(1) Funding of bicycle and pedestrian related programs;~~

24 ~~(2) Public education and awareness of bicycling and pedestrian related~~  
 25 ~~activities;~~

26 ~~(3) Public education and awareness of bicycling and pedestrian safety;~~  
 27 ~~and~~

28 ~~(4) Any other issue directly related to bicycling and pedestrians.~~

29 ~~(b) The Committee shall consist of the following:~~

30 ~~(1) 1 representative each from:~~

31 ~~(i) The Department of Transportation;~~

32 ~~(ii) The Department of Natural Resources;~~

33 ~~(iii) The Department of Education;~~

- 1                   (iv)    The Department of State Police;
- 2                   (v)    The Department of Business and Economic Development;
- 3 [and]
- 4                   (vi)   The Department of Health and Mental Hygiene;
- 5                   (VII)   THE DEPARTMENT OF PLANNING; AND
- 6                   (VIII)   THE GOVERNOR'S OFFICE FOR INDIVIDUALS WITH
- 7 DISABILITIES;
- 8               (2)    1 citizen member from each of the following areas:
- 9                   (i)    The Eastern Shore;
- 10                  (ii)   Western Maryland; and
- 11                  (iii)   Southern Maryland; [and]
- 12               (3)    2 citizen members from each of the following areas:
- 13                   (i)    The Baltimore metropolitan area; and
- 14                   (ii)   The Washington metropolitan area; AND
- 15               (4)    UP TO 6 CITIZEN MEMBERS SELECTED TO REPRESENT THE
- 16 INTERESTS OF BICYCLISTS, PEDESTRIANS, AND THE DISABLED COMMUNITY TO
- 17 INCLUDE:
- 18                   (I)    A REPRESENTATIVE OF INDIVIDUALS WHO ARE VISUALLY
- 19 IMPAIRED; AND
- 20                   (II)   A REPRESENTATIVE OF INDIVIDUALS WHO ARE MOBILITY
- 21 IMPAIRED.
- 22               (c)    One of the citizen members selected under subsection (b) of this section
- 23 shall have an expertise in bicycle and pedestrian safety.
- 24               (D)    THE TOTAL MEMBERSHIP OF THE COMMITTEE MAY NOT EXCEED 21
- 25 MEMBERS.
- 26               [(d)]   (E)    The Governor shall select a chairman from among the citizen
- 27 members.
- 28               (F)    (1)    THE TERM OF A MEMBER IS 4 YEARS.
- 29                   (2)    THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
- 30 TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2001.

1           (3)     AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
2 SUCCESSOR IS APPOINTED AND QUALIFIES.

3           (4)     A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
4 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
5 QUALIFIES.

6     (G)     THE COMMITTEE MAY ADOPT PROCEDURES NECESSARY TO ENSURE THE  
7 ORDERLY TRANSACTION OF BUSINESS.

8     [(e)]   (H)     The Committee shall meet at least quarterly with at least 1 meeting  
9 held in Annapolis.

10    (I)     A MEMBER OF THE COMMITTEE MAY NOT RECEIVE COMPENSATION BUT  
11 SHALL BE REIMBURSED FOR EXPENSES UNDER THE STANDARD STATE TRAVEL  
12 REGULATIONS, AS PROVIDED FOR IN THE STATE BUDGET.

13    [(f)]   (J)     The DEPARTMENT SHALL PROVIDE staff, ADMINISTRATIVE SUPPORT,  
14 AND OPERATING EXPENSES for the Committee [shall be provided by the Executive  
15 Branch as directed by the Governor] AS PROVIDED IN THE STATE BUDGET.

16 2-607.

17    (A)     IN THIS SECTION, "~~FUND~~" "PROGRAM" MEANS THE MARYLAND  
18 PEDESTRIAN SAFETY ~~FUND~~ PROGRAM.

19    (B)     THERE IS A PEDESTRIAN SAFETY ~~FUND~~ PROGRAM WITHIN THE  
20 DEPARTMENT.

21    (C)    (1)     ~~THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT~~  
22 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

23           (2)     ~~THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER~~  
24 ~~SHALL ACCOUNT FOR THE FUND.~~

25           (3)     ~~THE TREASURER SHALL INVEST THE FUND IN THE SAME MANNER AS~~  
26 ~~OTHER STATE FUNDS AND CREDIT ANY INVESTMENT EARNINGS TO THE FUND.~~

27    (D)     ~~THE FUND CONSISTS OF:~~

28           (1)     ~~MONEYS APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

29           (2)     ~~EARNINGS FROM THE INVESTMENT OF MONEYS IN THE FUND; AND~~

30           (3)     THE PROGRAM IS FUNDED BY:

31           (1)     THE HIGHWAY SAFETY OPERATING PROGRAM OF THE STATE  
32 HIGHWAY ADMINISTRATION; AND

33           (2)     ANY OTHER MONEYS ACCEPTED FOR THE BENEFIT OF THE ~~FUND~~  
34 PROGRAM FROM ANY GOVERNMENTAL OR PRIVATE SOURCE.

1 ~~(F)~~ (D) (1) THE SECRETARY SHALL AWARD GRANTS ~~FROM UNDER THE~~  
 2 ~~FUND PROGRAM~~ TO COUNTIES, MUNICIPALITIES, AND NONPROFIT ORGANIZATIONS  
 3 TO CARRY OUT THE PROVISIONS OF THIS SECTION.

4 (2) WHEN AWARDING GRANTS ~~FROM UNDER THE FUND PROGRAM~~, THE  
 5 SECRETARY SHALL CONSIDER ANY MATCHING FUND AN APPLICANT PROPOSES TO  
 6 PROVIDE.

7 ~~(F)~~ (E) COUNTIES, MUNICIPALITIES, AND NONPROFIT ORGANIZATIONS MAY  
 8 APPLY FOR GRANTS ~~FROM UNDER THE FUND PROGRAM~~ FOR THE FOLLOWING  
 9 PURPOSES:

10 (1) TO EDUCATE AUTOMOBILE DRIVERS AND PEDESTRIANS ABOUT  
 11 METHODS TO INCREASE PEDESTRIAN SAFETY;

12 (2) TO ENHANCE EFFORTS TO ENFORCE STATE AND LOCAL MOTOR  
 13 VEHICLE LAWS THAT PROTECT THE SAFETY OF PEDESTRIANS; ~~AND~~

14 (3) TO DESIGN OR REDESIGN INTERSECTIONS TO INCREASE  
 15 PEDESTRIAN SAFETY AND ACCESS; AND

16 (4) TO ENHANCE SAFE PEDESTRIAN ACCESS TO TRANSIT FACILITIES AS  
 17 DEFINED IN § 3-101 OF THIS ARTICLE.

18 ~~(G)~~ (F) THE SECRETARY SHALL ESTABLISH PROCEDURES FOR COUNTIES,  
 19 MUNICIPALITIES, AND NONPROFIT ORGANIZATIONS TO APPLY FOR GRANTS ~~FROM~~  
 20 UNDER THE FUND PROGRAM.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members  
 22 of the Bicycle and Pedestrian Advisory Committee shall terminate on the effective  
 23 date of this Act and the Governor shall appoint or reappoint members to terms that  
 24 initially expire as follows:

25 (1) approximately one-fourth of the members in 2002;

26 (2) approximately one-fourth of the members in 2003;

27 (3) approximately one-fourth of the members in 2004; and

28 (4) approximately one-fourth of the members in 2005.

29 SECTION 3. AND BE IT FURTHER ENACTED, That:

30 (a) ~~There is an Oversight Committee on Child Pedestrian Safety.~~

31 (b) ~~The Oversight Committee shall consist of the following members:~~

32 (1) ~~One member of the Senate of Maryland, appointed by the President~~  
 33 ~~of the Senate;~~

- 1           (2)     ~~One member of the House of Delegates, appointed by the Speaker of~~  
2 ~~the House;~~
- 3           (3)     ~~The Secretary of Transportation or the Secretary's designee;~~
- 4           (4)     ~~The Secretary of Planning or the Secretary's designee;~~
- 5           (5)     ~~The Secretary of Health and Mental Hygiene or the Secretary's~~  
6 ~~designee;~~
- 7           (6)     ~~The Secretary of Education or the Secretary's designee; and~~
- 8           (7)     ~~Two citizen members selected by the Governor.~~
- 9       (e)     (1)     ~~The Governor shall designate a chairman of the Oversight~~  
10 ~~Committee.~~
- 11           (2)     ~~The Departments of Transportation, Planning, Health and Mental~~  
12 ~~Hygiene, and Education shall provide staff and administrative support for the~~  
13 ~~Oversight Committee.~~
- 14       (d)     (1)     ~~The Oversight Committee shall designate two counties, or Baltimore City~~  
15 ~~and a county, as target areas and shall initiate a pilot project on child pedestrian~~  
16 ~~safety, focusing on routes to schools in the target areas.~~
- 17       (e)     The pilot project shall consist of three sequential phases as follows:
- 18           (1)     ~~Development of an action plan;~~
- 19           (2)     ~~Implementation of the action plan; and~~
- 20           (3)     ~~Evaluation of benefits achieved through implementation of the action~~  
21 ~~plan.~~
- 22       (f)     (1)     ~~The Oversight Committee shall develop an action plan that shall~~  
23 ~~include suggestions for making improvements and initiating programs that are aimed~~  
24 ~~at enhancing the safety and encouraging the use of child pedestrian routes to schools.~~
- 25           (2)     In developing the action plan, the Oversight Committee shall:
- 26           (i)     ~~Consult with county officials, school administrators, police~~  
27 ~~officers, Parent Teacher Association members, and any other persons that the~~  
28 ~~Oversight Committee deems necessary;~~
- 29           (ii)    ~~Conduct surveys of relevant areas; and~~
- 30           (iii)   ~~Identify safety impediments in child pedestrian routes to~~  
31 ~~schools.~~

1 ~~(g) The Oversight Committee shall complete the action plan and submit it to~~  
 2 ~~the Governor, and subject to § 2-1246 of the State Government Article, to the General~~  
 3 ~~Assembly on or before November 1, 2001.~~

4 ~~(h) The Department of Transportation shall:~~

5 ~~(1) Budget from funds available to the Departments, amounts sufficient~~  
 6 ~~to fund implementation of the action plan; and~~

7 ~~(2) Fully implement the action plan before July 1, 2002.~~

8 ~~(i) Upon full implementation of the action plan, the Oversight Committee~~  
 9 ~~shall evaluate the benefits, if any, achieved through implementation of the action~~  
 10 ~~plan over a 12-month period.~~

11 ~~(j) The Oversight Committee shall issue a final report of its findings and~~  
 12 ~~recommendations to the Governor and, subject to § 2-1246 of the State Government~~  
 13 ~~Article, to the General Assembly on or before July 1, 2003.~~

14 ~~(a) The Bicycle and Pedestrian Advisory Committee shall initiate a pilot~~  
 15 ~~project on child pedestrian safety, focusing on routes to schools in target areas. The~~  
 16 ~~Committee shall designate two counties or Baltimore City and a county as target areas.~~

17 ~~(b) (1) The Committee shall develop an action plan, advise the Department of~~  
 18 ~~Transportation on the implementation of the action plan, and evaluate the benefits~~  
 19 ~~achieved through the implementation of the action plan.~~

20 ~~(2) The action plan shall include suggestions for making improvements~~  
 21 ~~and initiating programs that are aimed at enhancing the safety of and encouraging the~~  
 22 ~~use of child pedestrian routes to schools.~~

23 ~~(3) In developing the action plan, the Committee shall:~~

24 ~~(i) consult with county officials, school administrators, police~~  
 25 ~~officers, Parent Teacher Association members, and any other persons that the~~  
 26 ~~Committee deems necessary;~~

27 ~~(ii) conduct surveys of relevant areas; and~~

28 ~~(iii) identify safety impediments to child pedestrian routes to schools.~~

29 ~~(4) The Department of Transportation shall implement the action plan~~  
 30 ~~before September 1, 2002.~~

31 ~~(5) Upon implementation of the action plan, the Committee shall evaluate~~  
 32 ~~the benefits, if any, achieved through the implementation of the action plan over a~~  
 33 ~~12-month period.~~

34 ~~(c) (1) The Committee shall submit the action plan to the Governor and,~~  
 35 ~~subject to § 2-1246 of the State Government Article, to the General Assembly on or~~  
 36 ~~before June 1, 2002.~~

1           (2)     *The Committee shall submit a final report of its findings and*  
2 *recommendations to the Governor and, subject to § 2-1246 of the State Government*  
3 *Article, to the General Assembly on or before July 1, 2003.*

4     SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act  
5 ~~establishing an Oversight Committee and Pilot Project on Child Pedestrian Safety~~  
6 ~~shall take effect on June 1, 2001.~~

7     SECTION ~~2.~~ 5. AND BE IT FURTHER ENACTED, That, *except as provided in*  
8 *Section 4 of this Act,* this Act shall take effect October 1, 2001.